

REMARKS

Reconsideration of this application is respectfully requested.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Slawinski et al. (6,293,892). Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Slawinski '892 in view of Slawinski (6,379,287) and further in view of Ryan (5,048,826). Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Slawinski '892 in view of Slawinski '287 in view of Harvey et al. (6,280,361) and further in view of Ryan (5,048,826). Claims 10-12, 14 and 15 were objected to as being dependent upon a rejected base claim, but were deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claim 1 to include the language of now canceled claim 14, which was deemed allowable if rewritten in independent form. Claims 16 and 17, however, have been amended to include the language of claim 10, particularly adding the language relating to the sensor unit being a rotatable optical disk, which is not shown in the prior art cited by the examiner. It is believed by the applicants that the intervening claims 7, 8 and 9 which precede claim 10 are not independently patentable, unlike the information contained in claim 10, and therefore applicants have amended claims 16 and 17 to include the language of claim 10 only.

It is therefore believed that amended claims 1, 16 and 17 are now allowable over the prior art for the reasons stated above. Also, claims 2-9 and 13 were rejected along with amended claim 1, but applicants wish to clarify that they do not claim exclusive rights to the features defined in those claims independently, but rather only in combination with the present invention as defined in amended claim 1. For the reasons expressed above in connection with amended claim 1 and for the structural limitations added by these claims, claims 2-9 and 13 are believed to be allowable with claim 1. Claim 14 has been canceled.

Applicants have attempted to amend the claims as generally suggested by the examiner, and therefore believes that the presently amended claims should be acceptable to the examiner and allowable over the prior art. It is thus believed that the present application is in condition for allowance of all claims remaining herein, and such action is respectfully requested.



Applicant is mailing this amendment after expiration of the three month response period but within the second month's extension of time permitted by 37 C.F.R. § 1.136 and accompanied by the fee set forth in 37 C.F.R. § 1.17(a).

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Amendment for a FREE WEIGHT ASSISTANCE AND TRAINING DEVICE, Serial N° 10/826,212, was mailed by first class mail, postage prepaid, to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of July, 2006.

21st

Adam H. Jacobs